

VIRGINIA BOARD OF VETERINARY MEDICINE

MINUTES

JUNE 15, 1994

TIME AND PLACE:

The meeting was called to order at 8:55 a.m. on Wednesday, June 15, 1994 in Conference Room 2 at the Department of Health Professions, Richmond, VA.

PRESIDING OFFICER:

Jesse A. Webster, DVM., President

MEMBERS PRESENT:

Harvey A. Phillips, DVM  
William A. Truban, DVM  
Millard D. Stith, Jr.  
Helen M. Poland, DVM  
Teresa K. Miller, DVM

STAFF PRESENT:

Elizabeth A. Carter, Ph.D., Executive Director  
Terri H. Behr, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Assistant Attorney General  
Sonja Keefe, LVT, Va. Assoc. of Licensed Veterinary Technicians  
Stephen E. Lickey, DVM, VVMA  
Rebecca Lakie, LVT, Va. Assoc. of Licensed Veterinary Technicians  
Robert Franck, DVM, Academy of Food Animal Practice

QUORUM:

With six members of the Board present, a quorum was established.

APPROVAL OF MINUTES:

On properly seconded motion by Mr. Stith, the Board voted unanimously to approve the minutes of the meeting of February 23, 1994 as amended and the meetings of February 24, 1994 and April 19, 1994 as presented.

EXECUTIVE SESSION:

On properly seconded motion by Mr. Stith, the Board voted unanimously to recess open session and immediately reconvene in executive session pursuant to §2.1-344(A)(15) of the Code of Virginia (1950), as amended, for the purpose of deliberations regarding approval of consent orders and §2.1-344(A)(7) for the purpose of consultation with legal counsel regarding CCT/NBE waivers and

reinstatement of licenses.

OPEN SESSION:

On properly seconded motion by Mr. Stith, the Board recessed executive session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous executive meeting and (II) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

APPROVAL OF  
CONSENT ORDERS:

On properly seconded motion by Mr. Stith, the Board voted unanimously to accept the Consent Order of James D. Carter, DVM.

On properly seconded motion by Dr. Poland, the Board voted unanimously to accept the Consent Order of Walter A. Dabasinskas, DVM.

On properly seconded motion by Dr. Phillips, the Board voted unanimously to accept the Consent Order of James D. Gaines, DVM.

On properly seconded motion by Mr. Stith, the Board voted unanimously to accept the Consent Order of Donnie L. Gardner, DVM.

On properly seconded motion by Mr. Stith, the Board voted unanimously to accept the Consent Order of Susan C. Gardner, DVM.

On properly seconded motion by Dr. Phillips, the Board voted unanimously to accept the Consent Order of John R. Haile, DVM.

On properly seconded motion by Dr. Miller, the Board voted unanimously to accept the Consent Order of William S. Holcomb, DVM.

On properly seconded motion by Dr. Phillips, the Board voted unanimously

to accept the Consent Order of  
Stephen M. Lawson, DVM.

On properly seconded motion by Dr.  
Miller, the Board voted unanimously  
to accept the Consent Order of Lisa  
Shorter-Burkett, DVM.

WAIVER OF CCT/NBE:

On properly seconded motion by Mr.  
Stith, the Board voted unanimously to  
approve the request for a waiver of  
the NBE for Sandra J. Phillips, DVM.

On properly seconded motion by Dr.  
Truban, the Board voted unanimously  
to approve the request for a waiver  
of the CCT for Alton F. Raymond, DVM.

On properly seconded motion by Mr.  
Stith, the Board voted unanimously to  
approve the request for a waiver of  
the NBE for Sally T. Bywaters, DVM.

REINSTATEMENT REQUESTS:

On properly seconded motion by Mr.  
Stith, the Board voted unanimously to  
reinstate the license of Tracy R.  
Ball, DVM, upon payment of the  
reinstatement fee and current renewal  
fee.

On properly seconded motion by Dr.  
Poland, the Board voted unanimously  
to deny the request of Mark A. LeMay,  
DVM, for reinstatement of his license  
citing his failure to provide  
documentation of continued clinical  
competency. Dr. LeMay will be  
advised that he can demonstrate his  
clinical competency by taking and  
passing the Clinical Competency Test.

On properly seconded motion by Dr.  
Phillips, the Board voted unanimously  
to deny the request of Linda Lockard,  
a veterinary technician, for  
reinstatement of her license citing  
her failure to provide documentation  
of continued clinical competency.  
Ms. Lockard will be advised that she  
can demonstrate her clinical  
competency by taking and passing the  
National Board Examination for  
Veterinary Technicians.

DISCUSSION WITH LEGAL  
COUNSEL REGARDING OPTIONS  
FOR SANCTIONS:

Dr. Phillips questioned Mr. Casway as to why the Board could not offer voluntary compliance anymore as a sanction. Mr. Casway stated that he would confer with John Hasty, Director of the Department of Health Professions, and request that a Department Directive be issued to address the sanctions available.

DISCUSSION OF ADA  
REVISION OF APPLICATIONS:

A discussion was held based on a memorandum from Robert Nebiker for all Boards to review their applications for compliance with the Americans with Disabilities Act. Howard Casway, Assistant Attorney General, recommended changing question #10 to delete "ever been physically or emotionally dependent upon alcohol or drugs or" and insert "within the last two (2) years, been treated by, consulted with or been under the care of a professional for substance abuse" in its place. Mr. Casway also recommended changing question #12 to delete "serious disease or diagnosis" and insert "mental or physical condition" in its place. Upon properly seconded motion by Dr. Truban, the Board voted unanimously to accept the changes recommended by counsel.

DISCUSSION OF  
"CHIP" CLINICS:

Dr. Phillips led a discussion based on information he and the Board office had received regarding the legality of "chip" clinics. Dr. Phillips stated that a microchip for identification purposes was injected between the shoulder blades in dogs with a sterile needle. The Board agreed that "chip" clinics cannot be held in unlicensed facilities. Animal shelters can inject their own animals with the microchips, but cannot do so to animals once they are adopted out in accordance with Va. Code §54.1-3801.

RABIES CLINIC DISCUSSION:

The Board discussed a letter from Ross W. Moore, DVM, asking for clarification on what is considered the minimum standard of care prior to vaccination at a rabies clinic and in

an approved facility. He also asked if rabies clinics are held at approved veterinary facilities, can the requirement for medical records, history and examination prior to vaccination be waived. On properly seconded motion by Dr. Miller, the Board voted unanimously that at a minimum the standard of care provided in a rabies clinic (held outside of an actual facility) would include that the animal be presented as healthy (clients responsibility to assure that the animal is healthy), the minimum age must be comparable with the vaccine given; the breed must be established, and the animal is to be of appropriate species for the vaccination administered. Further, at rabies clinics, the standard rabies certificate constitutes the patient record. If the rabies clinic is held at a licensed veterinary facility, the standards of care as set forth in the regulations must be abided by, including the requirement for record keeping.

**VALVT NEWSLETTER:**

The Board acknowledged receipt of the Virginia Association of Licensed Veterinary Technicians newsletter.

**ELECTION OF OFFICERS:**

The Board elected new officers for fiscal year 1994-1995. They are as follows:

Teresa K. Miller, DVM - President  
William A. Truban, DVM - Vice President  
Helen M. Poland, DVM - Secretary, Treasurer

**CORRESPONDENCE:**

A letter received from the Loudoun Area Ferret Fanciers regarding natural disaster emergencies was referred to the Virginia Veterinary Medical Association for a reply.

**EXECUTIVE DIRECTOR'S REPORT:**

A survey from the Professional Examination Service was discussed by Elizabeth Carter. Dr. Carter asked the Board to provide her with input to some of the questions posed by PES. The Board expressed their desire to leave the number of times that the NBE and CCT are administered

to twice per year. They also expressed their desire to see computer based testing implemented.

Two options for fee reduction were proposed by Dr. Carter. On properly seconded motion by Dr. Poland, the Board voted unanimously to accept fee proposal #1.

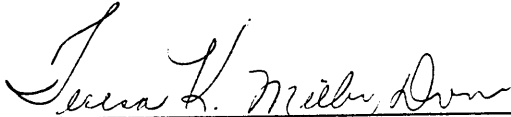
Dr. Carter expressed her pleasure and congratulated the Board on their hard work for handling the disciplinary case load in such a timely manner.

**REGULATORY REVIEW:**

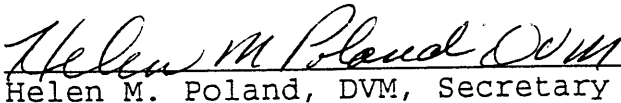
Robert Frank, DVM, representing the Virginia Academy of Food Animal Practitioners, addressed the Board. His concerns are attached to these minutes. Greg Scoggins, DVM, Esq., addressed the Board regarding facility requirements. On properly seconded motion by Dr. Poland, the Board voted unanimously to approve the proposed regulations for public comment pursuant to Va. Code §9-6.14:7.1(F).

**MEETING ADJOURNED:**

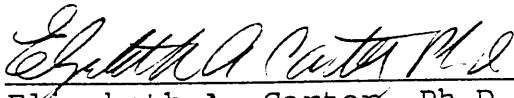
The meeting was adjourned at 4:25 p.m.



Teresa K. Miller, DVM, President



Helen M. Poland, DVM, Secretary



Elizabeth A. Carter, Ph.D., Executive Director